REMARKS

Claims 1-10, 12-13, 15, 20 and 22-25 are all the claims presently pending in the application. Claims 1, 12, 13, 15 and 20 have been amended to more particularly define the invention. Claim 11 has been canceled.

While the claim amendments made herein may help to distinguish the invention over the prior art, Applicant's intention in making the amendments is for the purpose of particularly pointing out the invention, and not for the purpose of distinguishing the invention over the prior art, narrowing the claims, or for any statutory requirements of patentability. Further, notwithstanding any claim amendments made herein, Applicant's intent is to encompass equivalents of all claim elements, even if amended herein or later during prosecution.

Claims 1-2, 6-7, 12-13, 22 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausubel (U.S. Patent No. 5,905,975) in view of Wellman (U. S. Patent No. 6,952,682) and Hambrecht et al. (U. S. Patent No. 6,629,082).

Claims 3-5 and 23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausubel, Wellman, Hambrecht and further in view of McAfee, et al. (U.S. Patent No. 6,718,312 B1) (hereinafter "McAfee").

Claims 8-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausubel, Wellman, Hambrecht and further in view of Macready, et al. (U.S. Publication No. 2002/0016759) (hereinafter "Macready").

Claim 25 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausubel, Wellman, Hambrecht and McAfee, and further in view of Macready.

Claim 15 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausubel, Wellman, Hambrecht and McAfee, Macready, and further in view of Official Notice (Applicant notes that the Examiner appears to refer to limitation of claim 15 as "AAPA, but Applicant has clearly indicated to the Examiner that this feature is not admitted by Applicant to be prior art).

Claim 20 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Ausubel, Wellman, Hambrecht McAfee and Macready, and further in view of Official Notice (Applicant notes that the Examiner appears to refer to limitation of claim 15 as "AAPA, but

Applicant has clearly indicated to the Examiner that this feature is not admitted by Applicant
to be prior art).

These rejections are respectfully traversed in view of the following discussion.

Claim 13 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over
Rodgers et al. (U. S. Patent Pub. 2002/0026478). However, Rodgers does not teach or
suggest the claimed invention (e.g., , "*establishing an auction system ... based on a result of
the solving of the integer program*") as recited in claim 13. Applicant respectfully submits
that this rejection does not merit further response by Applicant. In view of the foregoing, the
Examiner is respectfully requested to withdraw this rejection.

I.   THE CLAIMED INVENTION

An exemplary aspect of the claimed invention (e.g., as recited in claim 1) is directed
to a computer implemented method for an auction including establishing an auction system
which is accessible via a network, and performs an auction for a plurality of items including a
first item and a second item which is different than the first item, generating by using a
processor, a web page including a user interface for entering a plurality of bids in the auction,
the user interface displaying an area for adding the plurality of bids, an area for adding a
plurality of conditions associated with the plurality of items including a budget condition, a
maximum quantity condition, a minimum quantity condition and a precedence condition and
a linear condition, an area for editing the plurality of conditions, a bid table for displaying the
plurality of bids, and a plurality of areas for displaying the plurality of conditions, receiving a
plurality of bids which are added by a bidder using the user interface, the received plurality of
bids including a bid for the first item and a bid for the second item, and receiving a plurality
of conditions which are added by a bidder using the user interface, the received plurality of
conditions including a condition associated with the first item, a condition associated with the
second item, and a condition associated with a set of items including the first item and the
second item, and displaying the received plurality of bids in the bid table and displaying the
received plurality of conditions in the plurality of areas for displaying the plurality of
conditions on the user interface

Importantly, the method also includes <u>generating a plurality of proposals for the</u> <u>bidder, a proposal in the plurality of proposals including a set of bids in the received plurality</u> <u>of bids that satisfies the received plurality of conditions, formulating a winner determination</u> <u>problem as an integer program, and solving the integer program to determine whether the</u> <u>generated plurality of proposals are included in a winning solution to the integer program,</u> <u>and displaying on an other user interface a table identifying the generated plurality of</u> <u>proposals and indicating whether the generated plurality of proposals are rejected by the</u> <u>bidder, and displaying a status of the received plurality of bids in the bid table based on a</u> <u>result of the solving of the integer program</u> (Application at Figure 6; page 12, line 6 to page 13, line 16; page 17, lines 7-19).

As explained beginning at line 11 on page 3 of the specification, conventional methods do not enable auction participants to specify a condition that describes or characterizes an item or a combination of items that they wish to win or sell.

The claimed invention, on the other hand, includes <u>generating a plurality of proposals</u> <u>for the bidder, a proposal in the plurality of proposals including a set of bids in the received</u> <u>plurality of bids that satisfies the received plurality of conditions, formulating a winner</u> <u>determination problem as an integer program, and solving the integer program to determine</u> <u>whether the generated plurality of proposals are included in a winning solution to the integer</u> <u>program, and displaying on an other user interface a table identifying the generated plurality</u> <u>of proposals and indicating whether the generated plurality of proposals are rejected by the</u> <u>bidder, and displaying a status of the received plurality of bids in the bid table based on a</u> <u>result of the solving of the integer program</u> (Application at Figure 6; page 12, line 6 to page 13, line 16; page 17, lines 7-19). These features may enable auction participants to specify a condition that describes or characterizes an item or a combination of items that they wish to win or sell, and allow a bidder to edit such a condition.

II.   THE ALLEGED PRIOR ART REFERENCES

A.   Ausubel, Wellman and Hambrecht

The Examiner alleges Ausubel would have been combined with Wellman and Hambrecht to form the invention of claims 1-2, 6-7, and 12-13, 22 and 24. Applicant

submits, however, that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Indeed, Applicant submits that these alleged references are completely <u>unrelated</u>, and no person of ordinary skill in the art would have considered combining these disparate references, <u>absent impermissible hindsight</u>.

In fact, Applicant submits that <u>the alleged references provide no motivation or suggestion</u> to urge the combination as alleged by the Examiner. Indeed, these alleged references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the alleged references as alleged by the Examiner. Therefore, the Examiner has <u>failed to make a prima facie case of obviousness</u>.

Moreover, neither Ausubel, nor Wellman, nor Hambrecht, nor any alleged combination thereof teaches or suggests "*generating a plurality of proposals for said bidder, a proposal in said plurality of proposals comprising a set of bids in said received plurality of bids that satisfies said received plurality of conditions; formulating a winner determination problem as an integer program, and solving said integer program to determine whether said generated plurality of proposals are included in a winning solution to said integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether said generated plurality of proposals are rejected by the bidder; and displaying a status of the received plurality of bids in the bid table based on a result of the solving of the integer program* ", as recited in claim 1 and similarly recited in claims 13 and 20 (Application at Figure 6; page 12, line 6 to page 13, line 16; page 17, lines 7-19). As noted above, these features may enable auction participants to specify a condition that describes or characterizes an item or a combination of items that they wish to win or sell, and allow a bidder to edit such a condition.

Clearly this feature is not taught or suggested by Ausubel.

Ausubel simply teaches that Bidder's computer may include "a typical user interface such as a keyboard and display" (Ausubel at col. 6, lines 26-28), and that the user interface is

"coupled to a communication interface" (Ausubel at col. 8, lines 2-3), and sending a final message containing the results of the auction (Ausubel at col. 3, lines 59-61).

Ausubel does not teach or suggest "generating a proposal" as in the claimed invention. Indeed, the Examiner on page 4 of the Office Action attempts to rely on Figure 8, stating that "confirmation of a bidder's conditions is a proposal to meet the bidder's conditions". Clearly, this has nothing to do with the "proposal" in the claimed invention. Indeed, the Examiner appears to be construing the term "proposal" to mean something like an "offer". However, claim 1 expressly states that the "proposal" in the claimed invention includes "*a set of bids in said received plurality of bids that satisfies said received plurality of conditions*". Clearly, this is not taught or suggested by Ausubel.

Thus, Ausubel clearly does not teach or suggest <u>generating a plurality of proposals for the bidder, a proposal in the plurality of proposals including a set of bids in the received plurality of bids that satisfies the received plurality of conditions, formulating a winner determination problem as an integer program, and solving the integer program to determine whether the generated plurality of proposals are included in a winning solution to the integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether the generated plurality of proposals are rejected by the bidder, and displaying a status of the received plurality of bids in the bid table based on a result of the solving of the integer program</u>, as in the claimed invention.

Likewise, Wellman does not teach or suggest these features.

In fact, Wellman simply teaches seller input screen 200 and buyer input screen 300. The input screen 300 allows a buyer to input a set of predefined attributes and specify a nominal set of values for the predefined attributes (Wellman at col. 5, lines 42-60). Further, Wellman teaches in col. 13, lines 34-41 that in step 1004 "each matched pair of seller and buyer is notified of the match as well as the matched values of the attributes". However, Applicant would point out that "notified" does not necessarily mean generating a web page. In fact, the seller and buyer could be "notified" by phone, text message or telegram. Therefore, Applicant does not understand how the Examiner could assume from this passage that Wellman teaches "disseminating in a computer automated system". Moreover, even assuming (arguendo) that Wellman teaches disseminating in a computer automated system,

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this would not <u>necessarily</u> "cause a display", and thus, would clearly <u>not</u> be equivalent to "causing to display auction results" as alleged by the Examiner.

That is, like Ausubel, Wellman does not teach or suggest <u>generating a plurality of proposals for the bidder, a proposal in the plurality of proposals including a set of bids in the received plurality of bids that satisfies the received plurality of conditions, formulating a winner determination problem as an integer program, and solving the integer program to determine whether the generated plurality of proposals are included in a winning solution to the integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether the generated plurality of proposals are rejected by the bidder, and displaying a status of the received plurality of bids in the bid table based on a result of the solving of the integer program</u>, as in the claimed invention.

Likewise, Hambrecht does not teach or suggest these features.

Indeed, Hambrecht simply teaches an auction system and that when an auction period opens, qualified investors may submit bids, and that bid sheets on a web page can be accessed only with a password (Hambrect at col. 10, lines 8-12).   That is, like Ausubel and Wellman, nowhere does Hambrecht teach or suggest <u>generating a plurality of proposals for the bidder, a proposal in the plurality of proposals including a set of bids in the received plurality of bids that satisfies the received plurality of conditions, formulating a winner determination problem as an integer program, and solving the integer program to determine whether the generated plurality of proposals are included in a winning solution to the integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether the generated plurality of proposals are rejected by the bidder, and displaying a status of the received plurality of bids in the bid table based on a result of the solving of the integer program</u>, as in the claimed invention.

Therefore, Applicant submits that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.

B.   McAfee and Macready and Official Notice

The Examiner alleges that Ausubel and Wellman would have been further combined with McAfee to form the invention of **claims 3, 4 and 5**, and further combined with Macready to form the invention of **claims 8-11,** further combined with McAfee and Macready to form the invention of **claim 25** and further combined with McAfee and Macready (and Official Notice) to form the invention of **claims 15 and 20**. Applicant submits, however, that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention.

Indeed, Applicant submits that these alleged references are completely <u>unrelated</u>, and no person of ordinary skill in the art would have considered combining these disparate references,<u> absent impermissible hindsight</u>.

In fact, Applicant submits that <u>the alleged references provide no motivation or suggestion</u> to urge the combination as alleged by the Examiner. Indeed, these alleged references clearly do not teach or suggest their combination. Therefore, Applicant respectfully submits that one of ordinary skill in the art would not have been so motivated to combine the alleged references as alleged by the Examiner. Therefore, the Examiner has <u>failed to make a prima facie case of obviousness</u>.

Moveover, neither Ausubel, nor Wellman, nor Hambrecht, nor McAfee, nor Macready, nor Official Notice, nor any alleged combination thereof teaches or suggests "*generating a plurality of proposals for said bidder, a proposal in said plurality of proposals comprising a set of bids in said received plurality of bids that satisfies said received plurality of conditions; formulating a winner determination problem as an integer program, and solving said integer program to determine whether said generated plurality of proposals are included in a winning solution to said integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether said generated plurality of proposals are rejected by the bidder; and displaying a status of the received plurality of bids in the bid table based on a result of the solving of the integer program* ", as recited in claim 1 and similarly recited in claims 13 and 20 (Application at Figure 6; page 12, line 6 to page 13, line 16; page 17, lines 7-19). As noted above, these

features may enable auction participants to specify a condition that describes or characterizes an item or a combination of items that they wish to win or sell, and allow a bidder to edit such a condition.

Clearly, this feature is not taught or suggested by the cited references.

Indeed, McAfee simply teaches using bid composition restrictions in a "dynamic combinatorial auction".   The restrictions include non-additive activity restrictions, subset restrictions and superset restrictions (McAfee at Abstract).

However, even assuming (arguendo) that McAfee teaches "constraints" as alleged by the Examiner, nowhere does McAfee teach or suggest generating a plurality of proposals for the bidder, a proposal in the plurality of proposals including a set of bids in the received plurality of bids that satisfies the received plurality of conditions, formulating a winner determination problem as an integer program, and solving the integer program to determine whether the generated plurality of proposals are included in a winning solution to the integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether the generated plurality of proposals are rejected by the bidder, and displaying a status of the received plurality of bids in the bid table based on a result of the solving of the integer program, as in the claimed invention.

Likewise, Macready does not teach or suggest this feature of the claimed invention. Indeed, Macready does not even teach or suggest an auction. Instead, Macready simply teaches a level of optimization which ranks trades with suppliers, allegedly allowing a buyer to determine the best alternative (Macready at [0002]).

That is, even assuming (arguendo) that Macready teaches "constraints", nowhere does Macready teach or suggest generating a plurality of proposals for the bidder, a proposal in the plurality of proposals including a set of bids in the received plurality of bids that satisfies the received plurality of conditions, formulating a winner determination problem as an integer program, and solving the integer program to determine whether the generated plurality of proposals are included in a winning solution to the integer program, and displaying on an other user interface a table identifying the generated plurality of proposals and indicating whether the generated plurality of proposals are rejected by the bidder, and displaying a status

of the received plurality of bids in the bid table based on a result of the solving of the integer program, as in the claimed invention.

Therefore, neither McAfee nor Macready, nor Official Notice, make up for the deficiencies of Ausubel, Wellman and Hambrecht.

Therefore, Applicant submits that these alleged references would not have been combined and even if combined, the combination would not teach or suggest each and every feature of the claimed invention. Therefore, the Examiner is respectfully requested to withdraw this rejection.
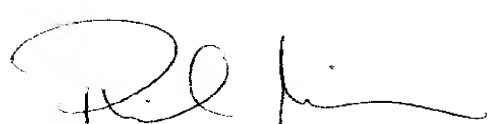

III.   FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-10, 12-13, 15, 20 and 22-25, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance.   The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Assignee's Deposit Account No. 50-0510.

Respectfully Submitted,

Date: June 10, 2010

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